

The Supreme Court
State of Washington

BARBARA A. MADSEN
JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929

(360) 357-2037
FAX (360) 357-2103



March 13, 2019

sent via email

Re: Recent Actions by the BOG

Dear Board of Governors:

We urge this board to reconsider its decision to “go in a different direction” without first instituting a broad, open, and inclusive group of bar members, members of the public, and members of the Supreme Court-appointed boards to study the future of the bar, to determine whether a new direction is warranted, and in what direction the profession should go. What we have heard to date is only a statement by a handful of governors, without any explanation, that the bar is going in a “different direction,” apparently without obtaining the input and buy-in of the membership, the public, or the court for this new direction.

In the past, when the BOG has believed a course change was necessary, it has formed a task force or work group. Such a mechanism has allowed for broad participation by knowledgeable, invested members of the profession and the public. The governance task force is a representative example of such a BOG initiative. Another example of the appropriate process is the current Supreme Court structures work group. As you know, the court instituted a structures work group to evaluate the effect of such important cases as *Janus v. American Federation of State, County & Municipal Employees, Council 31* and *North Carolina State Board of Dental Examiners v. F.T.C.* Similarly, we urge this board to engage the membership and the public in developing its “different direction.”

We are also urging this board to rescind its unwise decision to terminate Paula Littlewood as the executive director. To separate a director who enjoys a strong, positive, national reputation, and whose evaluations within the Washington legal community have always yielded high marks makes no sense, particularly when the BOG is considering taking a 40,000 member organization in a different direction. If this board wishes to go in a new direction, and has appropriate input by the public and by members

WSBA BOG
March 13, 2019
Page 2

who are affected, and can convince this court that the direction is to the benefit of the public and the profession, then it should do so with the strong leadership and resources that the executive director, Ms. Littlewood, offers and has offered in the past.

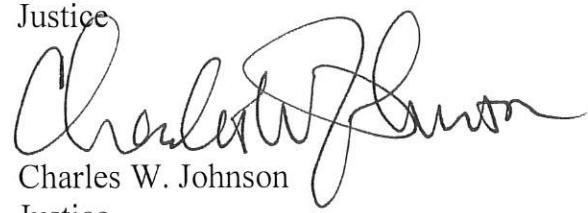
The BOG should realize that it is only one of several oversight boards. There are six other boards that were created by the Supreme Court and which also govern aspects of the legal profession in Washington. We have seen no evidence that those boards, which are independent from the BOG, have been consulted in any way in any of these decisions. If this board wishes to go in a new direction it should do so with guidance and an open, transparent process that includes members of the profession, members of the public, and a knowledgeable executive director.

We are also concerned with the unprecedeted requests we've received from members this last year: former governors and presidents, bar staff, bar management, bar defense counsel contacting the court and asking for our intervention, a request that we suspend the entire BOG, etc. All of this should be enough to convince you that the "different direction" is the wrong direction.

Sincerely,



Barbara A. Madsen
Justice



Charles W. Johnson
Justice



Charles K. Wiggins
Justice

c: Justices
Bill Pickett, President, WSBA
Paula Littlewood, Exec. Dir., WSBA